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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,870	10/26/2001	Holger Warth	Mo-6717/LeA 34,668	1030

157 7590 04/07/2005

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EXAMINER	
BUTTNER, DAVID J	
ART UNIT	**PAPER NUMBER**
1712	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/027,870	WARTH ET AL.	
	Examiner	Art Unit	
	David Buttner	1712	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 February 2005*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-5 and 7-9* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-5,7-9* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Claims 1-5 and 7-9 are rejected under 35 USC as obvious over Nodera '443.

Nodera exemplifies (Nos. 5, 6,) blends of PC, HIPS, Metablen S2001, talc, antistatic agent and flame retardants. Metablen S2001 is one of applicant's preferred silicone-acrylate grafts (page 15, line 24 of spec.) HIPS is a polymer based on styrene and qualifies as applicant's (B). Nodera (col 4 line 63) also lists acrylonitrile/styrene copolymer as an alternative to HIPS. Glass fibers (col. 10, line 45) are listed as an alternative to talc.

"Consisting of" excludes the presence of flame retardants and antistatic agents from applicant's claims. It would have been obvious to eliminate these additives as well as their functions if flame retardancy and electrical resistivity were not of concern (MPEP 2144.04 II).

Note that viscosity average molecular weights are nearly equal to weight average molecular weights. Therefore Nodera's viscosity average molecular weight of 19,000 would fall within applicant's weight average molecular weight range.

Claims 1-5 and 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over the J11349796 Patent in view of Nodera '443 or Obayashi '914.

The JP11349796 reference exemplifies blends of PC, SAN and silicon/acrylate graft. Oral translation indicates paragraph 19 calls for inorganic filler (termed "bulking agent" by the machine translation), but glass fibers are not named.

Nodera (col. 10, line 44,45,63) lists glass fiber etc in amounts of 2-30 pph as suitable filler in similar PC/grafted rubber compositions. Obayashi exemplifies the use of glass fiber in similar PC/ grafted rubber compositions. It would have been obvious to use glass fibers as the filler in the J'796 compositions in the conventional amounts for the expected reinforcing effect.

Takahashi 2003/0112520 (paragraph 102) is cited for his more detailed description of the SAN 290FF that is believed used in J'796.

Claims 1-5 and 7-9 rejected under 35 U.S.C. 103(a) as being unpatentable over the JP08269314 Patent in view of Nodera '443 or Obayashi '914.

The JP08269314 reference exemplifies blends of PC, PMMA and Metablen S2001 (applicant's silicone graft). In the examples, the PC has an intrinsic viscosity of 0.5dl/g (or 0.05 l/g). This corresponds to a viscosity average molecular weight of 22,000 according to the known correlation. Reinforcing materials such as fibers can be included (paragraph 56) although glass fibers and amounts thereof amounts are not specified.

Nodera (col. 10, line 44,45,63) lists glass fiber etc in amounts of 2-30 pph as suitable filler in similar PC/grafted rubber compositions. Obayashi exemplifies the use of glass fiber in similar PC/ grafted rubber compositions.

It would have been obvious to use glass fibers as the reinforcing fiber in the J '314 composition in the conventional amounts for the expected reinforcing effect.

Applicant's arguments filed 3/28/05 have been fully considered but they are not persuasive.

Applicant argues the claims now exclude the polycarbonate oligomers of Obayashi.

This is not convincing as Obayashi is relied on merely to show conventional amounts and effects of glass fibers in polycarbonate compositions. These teachings are not negated by the presence of the "extra" oligomeric ingredient. The primary references do not require these oligomers.

Applicant argues table 1 of the specification shows the silicone/acrylate graft is superior to ABS.

This is not relevant to the applied rejections as each of the primary references utilizes silicone/acrylate grafts in their examples and lack ABS.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Buttner whose telephone number is 571-272-1084. The examiner can normally be reached on weekdays from 10 to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Randy Gulakowski, can be reached on 571-272-1302. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DAVID J. BUTTNER
PRIMARY EXAMINER

D. Buttner
April 1,2005